

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

J.G.,

Plaintiff,

vs.

**NORTHBROOK INDUSTRIES,
INC., D/B/A UNITED INN AND
SUITES,**

Defendant.

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CIVIL ACTION FILE

NO. 1:20-cv-05233-SEG

PLAINTIFF’S MOTION FOR CURATIVE INSTRUCTION

Plaintiff previously notified the Court of her intention to request a curative instruction relating to Defendant’s failure (or refusal) to identify all its staff in discovery. (Doc. 161 at 30-32).¹ Plaintiff hereby moves for that relief. In support, Plaintiff incorporates her prior briefing on Defendant’s discovery misconduct and non-disclosure of staff. (Doc. 86 at 12, n.6; 27-28; Doc. 161 at 30-32; Doc. 188 at 21-23).

Plaintiff asks the Court to instruct the jury as follows after the close of the evidence at trial:

If a party fails to produce evidence under that party’s control and reasonably available to that party and not reasonably available to the adverse party, then

¹ All page references herein are to the CM-ECF page numbers stamped on the top of the filing.

you may infer that the evidence is unfavorable to the party who could have produced it and did not.

3 Kevin F. O'Malley, Jay E. Grenig, & William C. Lee, *Federal Jury Practice and Instructions* § 104:26 (7th ed.).²

In relevant part, the Court's order on Plaintiff's motion *in limine* number 6 states that "it has granted Northbrook's tenth motion *in limine*, which precludes J.G. from asserting that Northbrook violated discovery rules or disclosing any resulting sanctions." (Doc. 204 at 16). Plaintiff understands the Court's order and will comply with it. The requested curative instruction *neither* discusses discovery rules (and any violation of them) *nor* sanctions.

For these reasons, Plaintiff requests that the Court provide the above-referenced instruction at the close of the evidence.³

This 4th day of July, 2025.

/s/ David H. Bouchard
David H. Bouchard
david@finchmccranie.com
Georgia Bar No. 712859
Oto U. Ekpo
oto@finchmccranie.com
Georgia Bar No. 327088

² The Court's standing order directs the parties to draw jury instructions from the Eleventh Circuit's pattern charges or *Federal Jury Practice and Instructions*. There is no applicable Eleventh Circuit pattern charge. The above-referenced charge is directly from *Federal Jury Practice and Instructions* without modification.

³ Plaintiff will submit proposed jury instructions that include this proposed instruction.

FINCH McCRANIE, LLP
229 Peachtree Street, NE
Suite 2500
Atlanta, Georgia 30303
(404) 658-9070 – Telephone
(404) 688-0649 – Facsimile

/s/ Patrick J. McDonough
Jonathan S. Tonge
jtonge@atclawfirm.com
Georgia Bar No. 303999
Patrick J. McDonough
pmcdonough@atclawfirm.com
Georgia Bar No. 489855

ANDERSEN, TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Boulevard
Suite 4000
Duluth, Georgia 30097
(770) 822-0900 – Telephone

Attorneys for Plaintiff

CERTIFICATE OF COMPLIANCE

This is to certify that the foregoing pleading has been prepared with a font and point selection approved by the Court in LR 5.1., NDGA. Specifically, the above-mentioned pleading was prepared using Times New Roman font of 14-point size.

Respectfully submitted,

/s/ David H. Bouchard

David H. Bouchard

david@finchmccranie.com

Georgia Bar No. 712859

FINCH McCRANIE, LLP
229 Peachtree Street, NE
Suite 2500
Atlanta, Georgia 30303
(404) 658-9070 – Telephone
(404) 688-0649 – Facsimile

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that Plaintiff, through her attorneys, has served a true and correct copy of the foregoing pleading into this District's ECF System, which will automatically forward a copy to counsel of record in this matter.

Dated: This 4th day of July, 2025.

/s/ David H. Bouchard
David H. Bouchard
david@finchmccranie.com
Georgia Bar No. 712859

FINCH McCRANIE, LLP
229 Peachtree Street, NE
Suite 2500
Atlanta, Georgia 30303
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(404) 688-0649 – Facsimile